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22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
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25 SAN FRANCISCO DIVISION

26 ILLINOIS UNION INSURANCE) Case No.: 3:13-cv-04863-JST
COMPANY, an Illinois corporation)
27 Plaintiff,) **STIPULATION AND [PROPOSED] ORDER**
v.) **EXTENDING COURT DATES**
28 INTUITIVE SURGICAL, INC., a)
Delaware corporation,)
Defendant.)
Judge: Honorable J. Tigar

1 NAVIGATORS SPECIALTY) Case No.: 3:13-cv-005801-JST
2 INSURANCE COMPANY, a Delaware)
3 corporation)
4 Plaintiff,)
5 v.)
6 INTUITIVE SURGICAL, INC., a)
7 Delaware corporation,)
8 Defendant.)
9 INTUITIVE SURGICAL, INC., a)
10 Delaware corporation,)
11 Cross-Complainant,)
12 v.)
13 IRONSHORE SPECIALTY)
14 INSURANCE COMPANY, an Arizona)
15 corporation,)
16 Cross-Defendant.)

17 WHEREAS, plaintiff Illinois Union Insurance Company filed a complaint for rescission of
18 insurance policy against defendants Intuitive Surgical, Inc. (“Intuitive”) on October 21, 2013;

19 WHEREAS, plaintiff Navigators Specialty Insurance Company filed a complaint for
20 rescission of insurance policy against Intuitive on December 16, 2013;

21 WHEREAS, Intuitive filed a third party complaint against third party defendant Ironshore
22 Specialty Insurance Company (“Ironshore”) for breach of contract and bad faith on March 3, 2015
23 seeking over \$15 million in damages;

24 WHEREAS, on March 19, 2015, before Ironshore had answered the third party complaint,
25 had an opportunity to fully develop its defenses and counterclaim or had obtained any discovery
26 from the parties, and before the parties anticipated the scope of discovery still to come the parties
filed a Stipulation and [Proposed] Order Extending Court Dates in Light of Impleader of Ironshore
Specialty Insurance and the Court entered an Order Amending Case Schedule containing the current
case dates and deadlines;

27 WHEREAS, Ironshore filed its answer and counterclaims on April 14, 2015;
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1 WHEREAS, Ironshore's counterclaims raise numerous, substantial coverage issues that
2 were not raised by Illinois Union or Navigators and that involve extensive discovery concerning the
3 approximately 1700 putative claims asserted by Intuitive;

4 WHEREAS, Ironshore served comprehensive interrogatories and document requests on
5 Intuitive on April 24, 2015, in an effort to complete fact discovery to support its defenses and
6 counterclaims by the October 15, 2015 deadline;

7 WHEREAS, some disputes have arisen among the parties on issues of confidentiality and
8 privilege that the parties cannot resolve without assistance of the Court due to the nature of these
9 issues and that, with respect to privilege, will necessitate *in camera* review;

10 WHEREAS, throughout the last several months the parties have been diligently working
11 together to schedule depositions before the close of discovery on October 15, 2015 and numerous
12 depositions have been completed in California, New York, Chicago and Massachusetts;

13 WHEREAS, there are several more depositions that need to be conducted and substantial
14 categories of documents that Intuitive has agreed to produce but not yet produced;

15 WHEREAS, while the parties have conducted extensive fact discovery, taken multiple
16 depositions, and produced a substantial amount of documents in an effort to meet the present
17 October 15, 2015 deadline for fact discovery;

18 WHEREAS, the parties agree that substantial discovery is still outstanding;

19 WHEREAS, the parties also continue to meet-and-confer regarding various discovery
20 disputes in an effort to obviate the need for Court intervention; and

21 WHEREAS, given the scope of discovery, the parties now recognize that the deadlines set in
22 March, 2015 have not proven realistic or workable in practice;

23 WHEREFORE, the parties herein stipulate as follows:

24 1. The parties stipulate to amend the calendar for this action as follows, subject to the
25 Court's approval:

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Event	Current Date	Proposed Date
Close of Fact Discovery	October 15, 2015	January 15, 2016
Mediation Deadline	December 16, 2015	February 16, 2016
Designation of Experts	November 9, 2015	February 1, 2016
Expert Reports Due	December 9, 2015	March 1, 2016
Deadline to File Dispositive Motions	January 8, 2016	March 15, 2016
Designation of Rebuttal Experts	January 12, 2016	April 1, 2016
Rebuttal Reports Due	January 29, 2016	April 15, 2016
Close of Expert Discovery	February 29, 2016	May 15, 2016
Pretrial Conference Statement Due	May 31, 2016	May 31, 2016
Pretrial Conference	June 10, 2016	June 10, 2016
Trial	July 5, 2016	July 5, 2016
Estimate of trial length (in days)	10	10

2. The parties have maintained the current pre-trial and trial dates; however, the parties are amenable to moving those dates if the Court prefers.

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2 Dated: September 11, 2015

/s/ Charles E. Wheeler
Thomas M. Jones
Charles E. Wheeler
Amanda M. Lorenz
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ILLINOIS UNION INSURANCE
COMPANY

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6 Dated: September 11, 2015

/s/ John S. Pierce
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NAVIGATORS SPECIALTY
INSURANCE COMPANY

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10 Dated: September 11, 2015

/s/ Raoul Kennedy
Allen Ruby
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James P. Schaefer

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16 INTUITIVE SURGICAL, INC.

17 Dated: September 11, 2015

/s/Ronald P. Schiller
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
2 Dated: September 15, 2015

3 By:



4 Hon. Jon S. Tigar
5 U.S. DISTRICT COURT JUDGE
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FILER'S ATTESTATION

I, Raoul D. Kennedy, am the ECF user whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER EXTENDING COURT DATES. In compliance with Local Rule 5-1(i)(3), I hereby attest that all party signatories hereto concur in this filing.

/s/ *Raoul D. Kennedy*
Raoul D. Kennedy